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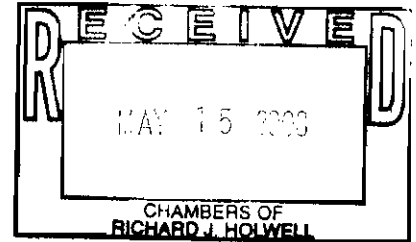
United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

May 15, 2008

By Hand Delivery

Honorable Richard J. Holwell
United States District Judge
United States Courthouse
500 Pearl Street, Room 1950
New York, New York 10007



Re: **Altria v. United States**, 08 Civ. 3144 (RJH)

Dear Judge Holwell:

We write respectfully to request that the Court adjourn sine die the date upon which the Government will submit its answer or otherwise respond to plaintiff's newly filed complaint in the above-referenced action, which is a related case to a matter already pending before the Court, Altria v. United States, 06 Civ. 9430 ("Altria I"). Like Altria I, this case addresses the tax consequences of certain LILO and SILO transactions entered into by plaintiff. We respectfully request that the date for our response to the complaint be determined after the Court rules on the parties' cross-motions for summary judgment in Altria I which addresses four LILO and SILO transactions involving the Metropolitan Transit Authority ("MTA"), Oglethorpe Power Corporation ("Oglethorpe"), Seminole Electric Cooperative, Inc. ("Seminole"), and Watershap Vallei En Eem ("Vallei"). The Government's answer is presently due on May 27, 2008.

Plaintiff's newly filed complaint in the above-referenced action raises identical allegations pertaining to MTA, Oglethorpe, Seminole, and Vallei that plaintiff raised in Altria I that are presently sub judice on cross motions for summary judgment. Plaintiff's new complaint also raises allegations pertaining to multiple additional transactions that may be impacted by the Court's decision in Altria I. Accordingly, this requested extension of time would conserve Government resources and provide the Government an opportunity to evaluate the Court's decision on the cross motions for summary judgment in Altria I in evaluating its response to the new complaint. Indeed, the Court's decision on the motions may be dispositive of the allegations raised in the new complaint, and, accordingly, the Court's decision in Altria I may determine whether the Government files an answer or a motion in response to the complaint.

On May 7, 2008, the Court granted Altria's application for a stay in discovery in this case until after the summary judgment decision in Altria I. Altria's application noted that "it would be most efficient to defer entering any scheduling order" at this time and that the ruling in Altria I "is likely to substantially impact the resolution of the claims made in No. 08-3144." The same

logic supports adjourning the date of the Government's answer. Altria has refused to consent to the Government's request to adjourn its time to answer the complaint.

Thank you for your consideration of this request.

Application Granted

So ORDERED

By: 

USDT

5/28/08

Respectfully,

MICHAEL J. GARCIA
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